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IT IS SO ORDERED.

Dated: December 11, 2019



Alan M. Koschik
ALAN M. KOSCHIK
U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re)
2265 ENTERPRISE EAST LLC,) Case No. 19-52510
Debtor.)
) Chapter 11
)
) Judge Alan M. Koschik
)
)

**SCHEDULING ORDER FOR EVIDENTIARY HEARING
ON (I) MOTION TO SELL, AND
(II) MOTION TO DISMISS CASE AND FOR RELIEF FROM STAY**

On October 28, 2019, debtor 2265 Enterprise East LLC (the “Debtor”) filed its motion (Docket No. 16) (the “Sale Motion”) to (i) authorize the retention of Kiko Company and (ii) authorize the auction sale of the real estate commonly known as 2265 East Enterprise Parkway, Twinsburg, Ohio, free and clear of liens.

On November 14, 2019, secured creditor Keystone Real Estate Lending Fund LP (the “Creditor”) filed its Motion to Dismiss Case, or Alternatively for Relief from Stay (Docket No. 24) (the “Motion to Dismiss”). The Creditor also filed an objection to the Sale Motion on that day. (Docket No. 26.)

The Court held a hearing on the Sale Motion and the Motion to Dismiss on November 26, 2019. Participating were:

Thomas W. Coffey and Robert D. Barr	<i>as counsel for</i>	Debtor 2265 Enterprise East LLC
Christina C. Tizzano	<i>as counsel for</i>	Interested Party James P. Breen
Robert W. McIntyre and Benjamin D. Carnahan	<i>as counsel for</i>	Creditor Keystone Real Estate Lending Fund LP
Gus Kallergis	<i>as counsel for</i>	State Court Receiver Zachary B. Burkons
Scott R. Belhorn	<i>as counsel for</i>	Daniel M. McDermott, United States Trustee for Region 9

Based on the representations of counsel at the hearing and the law governing motions to dismiss chapter 11 cases and/or for relief from stay, an evidentiary hearing will be necessary to rule on the Motion to Dismiss, including its alternative relief sought of relief from stay.

Furthermore, it appears that many of those same factual issues will or likely will be germane to the Sale Motion. Therefore, the Court finds it efficient to schedule a consolidated evidentiary hearing on the Motion to Dismiss and the Sale Motion.

Based on the foregoing,

IT IS HEREBY ORDERED THAT:

1. All discovery in this matter shall be completed no later than **January 3, 2020**. Furthermore, without need for further request, each party shall provide to the other the results of any appraisal such party obtains regarding the Debtor's real estate, as well as the identity and curriculum vitae of the appraiser(s).
2. No later than **January 7, 2020**, counsel shall jointly *file with the Court* a list of all facts and legal conclusions that are **not** in dispute in this contested matter and to which the parties stipulate, including any exhibits the parties agree are authentic.
3. No later than **January 10, 2020**, counsel shall *file with the Court* and *exchange with each other* a list of all witnesses they intend to call at the evidentiary hearing.
4. No later than **January 10, 2020**, counsel are to *exchange with each other* all documents they intend to introduce into evidence at trial. The Creditor's exhibits shall be marked "Keystone Exhibits" and identified by *letters*, and the Debtor's exhibits shall be marked "Debtor's Exhibits" and identified by *numbers*.

5. No later than **January 10, 2020**, counsel shall *exchange with each other and submit to Chambers via email* to AMK-PFFCL@ohnb.uscourts.gov their proposed findings of fact and conclusions of law. Counsel shall cite to all relevant legal authority in support of their proposed legal conclusions.
6. No later than **January 14, 2020, at 4:00 p.m.**, each counsel shall provide one (1) copy to the Clerk's Office and two (2) copies to Chambers of their respective set of trial exhibits, in binders, tabbed and clearly identified.
7. Unless the Motion to Dismiss and the Sale Motion are both previously reported to the Court as resolved, the evidentiary hearing on both motions shall begin on **January 16, 2020, at 9:30 a.m.**, in Room 260 of the John F. Seiberling Federal Building & U.S. Courthouse, 2 South Main Street, Akron, Ohio. If necessary, the hearing will continue on **Friday, January 17, 2020**.

If a party fails to comply with the requirements of this Order regarding timely filing of witness lists or the timely exchange or submission of exhibits, then the Court, at its discretion, may preclude that party from introducing exhibits and/or calling witnesses.

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cc (all via electronic mail):

Thomas W. Coffey and Robert D. Barr	<i>as counsel for</i>	Debtor 2265 Enterprise East LLC
Christina C. Tizzano	<i>as counsel for</i>	Interested Party James P. Breen
Robert W. McIntyre and Benjamin D. Carnahan	<i>as counsel for</i>	Creditor Keystone Real Estate Lending Fund LP
Gus Kallergis	<i>as counsel for</i>	State Court Receiver Zachary B. Burkons
Scott R. Belhorn	<i>as counsel for</i>	Daniel M. McDermott, United States Trustee for Region 9